

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Michael D. Benson,

Civil No. 09-2793 (DWF/JJG)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

State of Minnesota,

Respondent.

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Michael D. Benson, *Pro Se*, Petitioner.

Noah A. Cashman, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Respondent.

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This matter is before the Court upon Petitioner Michael D. Benson's ("Petitioner") objections to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 15, 2010, recommending that Petitioner's petition for a writ of habeas corpus be denied and that this case be dismissed with prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Petitioner Michael D. Benson's objections (Doc. No. [14]) to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 15, 2010, are **DENIED**.

2. Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 15, 2010 (Doc. No. [13]), is **ADOPTED**.

3. Petitioner Michael D. Benson's petition for a writ of habeas corpus (Doc. No. [1]) is **DENIED** and this case is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 29, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge